

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant(s) : David Louis Kirschman
Serial No. : 10/675,361
Filed : September 30, 2003
Title : SPINAL FUSION
SYSTEM AND METHOD
FOR FUSING SPINAL
BONES
Group : 3733
Docket : KRS 001 P2

Certificate of Submission

I hereby certify this paper is being submitted via
EFS on this 19th day of January, 2007 by
Tammy Frederick.

_____/ Tammy Frederick /____

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

MISCELLANEOUS COMMUNICATION

Applicant(s) wishes to make of record the materials listed below and on the attached form PTO/SB/08A which Applicant(s) requests be placed in the application file. This reference is cited for informational purposes only. The child in the below case, U.S. Patent No. 6,066,175, was cited in a previous Information Disclosure Statement and contains the parent application's specification. The Examiner's attention is respectfully directed to the following materials which were cited in a counterpart foreign application by the PCT International Searching Authority.

Patent No.	Issued	Inventor(s)	Title
5,405,391	04/11/1995	Hednerson et al. ("sic")	FUSION STABILIZATION CHAMBER

Foreign:

Country	Patent	Publication/Issue Date	Applicant
WO	99/63914	12/16/1999	Henderson et al.

The filing of this Miscellaneous Communication shall not be construed to be an admission that the information cited in this Communication is, or is considered to be, material to

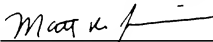
patentability as defined in §1.56(b). By filing this statement, Applicant(s) is not making any representation as to whether any of the references referred to herein are material. Further, Applicant(s) cites these references without prejudice, and Applicant(s) reserves the right to contest the status of these references as prior art.

Pursuant to the Official Gazette Notice of August 5, 2003, copies of issued U.S. patents and/or U.S. patent applications are not required and are not enclosed. Copies of any foreign or non-patent reference materials are enclosed herewith.

Although Applicant(s) believes that no fee is required by filing this statement, the Commissioner is authorized to charge any required fee to **Deposit Account 50-1287**. (Should Deposit Account 50-1287 be deficient, please charge any further deficiencies to Deposit Account 10-0220.)

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By 
Matthew R. Jenkins
Reg. No. 34,844

2310 Far Hills Building
Dayton, OH 45419-1575
(937) 298-2811

January 19, 2007

MRJ/tif